

~~DRAFT - ENHANCEMENT AREA ASSESSMENTS & STRATEGIES~~

Special Area Management Planning: Assessment

Section 309 Programmatic Objectives (see Attachment B for more detailed discussion)

- I. Develop and implement special area management planning in coastal areas applying the following criteria:
- Areas with significant coastal resources (e.g., threatened and endangered species and their critical habitats, wetlands, water bodies, fish and wildlife habitat) that are being severely affected by cumulative or secondary impacts;
 - Areas where a multiplicity of local, state, and federal authorities hinder effective coordination and cooperation in addressing coastal development on an ecosystem basis;
 - Areas with a history of long-standing disputes between various levels of government over coastal resources that has resulted in protracted negotiations over the acceptability of proposed uses;
 - There is a strong commitment at all levels of government to enter into a collaborative planning process to produce enforceable plans;
 - A strong state or regional entity exists which is willing and able to sponsor the planning program.

Resource Characterization

1. **Using of the criteria listed above, identify areas of the coast subject to use conflicts that can be addressed through special area management planning (SAMP).**

The list of areas identified in the following table as potentially appropriate for Special Area Management Plans was developed with the input of the Coastal Policy Team and other Coastal Program partners. These areas represent only preliminary recommendations and, upon further evaluation, may not necessarily meet all of the SAMP criteria.

Area	Major conflicts
Dragon Run	The Dragon Run SAMP has been in the development phase since 2002; its mission is to develop policies that support and promote community-based efforts to preserve the cultural, historic, and natural character of the Dragon Run, while preserving property rights and the traditional uses within the watershed. Implementation of the policies developed is still needed in order to sustain the natural resource based economy, manage public access, and plan for future development.
Seaside Eastern Shore	This area holds tremendous potential to demonstrate appropriate management of economic development and habitat restoration within a rare and fragile ecosystem. Since 2002, the VCP has begun addressing these needs on the Seaside through restoring habitat, promoting ecotourism and working toward better management of these resources.

Mobjack Bay Drainage	The Mobjack Bay drainage contains extensive seagrass beds and salt marshes that are nursery grounds for Bay species. The Bay is currently experiencing extensive nonpoint source pollution impacts resulting in “dead zones.” This area has potential for seagrass restoration and oyster restoration. There is also strong and historically significant connection to aquatic resources in the Mobjack. Multiple -authority conflicts exist between state, regional and federal fisheries management.
Upper York Watershed/ Mattaponi Drainage	This drainage contains the nation’s premier tidal freshwater wetlands complex and the spawning and nursery grounds for important anadromous fish species. It also contains the location of the proposed King William reservoir and the proposed-for-expansion Lake Anna nuclear power plant. Development pressures (moderate along waterfront in King & Queen and King William Counties and high in headwaters) threaten the rural character, water quality, high quality stream system and habitat.
Pamunkey Drainage	Potential reservoir development would impact over 400 acres of wetlands and a relatively high quality stream system. The area is also impacted by rapid development in the Counties of New Kent and Hanover. Additional authorities include air and water discharge permitting for an industrial facility.
Harmful Algal Blooms (HABs) at mouths of James, York, Rappahannock	HABs result from high levels of nutrients and have potential to harm human and marine health. While HABs are widespread, a pilot SAMP might focus on one location.
Back Bay	This area contains recreational use conflicts with multiple agencies and stakeholders threatening riparian forest resource.
Grafton Plain, Lower Peninsula	This area is characterized by fragmentation of wetlands/coastal plain pond complex, including habitat for rare wildlife, due to urbanization. Conflicts between landowners/developers and regulatory agencies.
Secondary Dune Fields, Northampton County	Significant development pressure threatens three secondary dune field areas identified as critical structures in the 2002 inventory. These rare and valuable dune ecosystems are not protected from development by other state or local measures.
Cherry Hill Peninsula, Prince William County	This peninsula contains residential and commercial development of 1,800-acre riparian forest on the Potomac, including habitat for native and endangered plant species.
Hampton Tidal Wetlands and Dunes	Urban impacts on tidal wetlands and dunes.
Crow’s Nest Peninsula, Stafford Co.	This peninsula’s potential for development and associated CSIs on 3,500-acre forested peninsula is in conflict with river buffers, open space, recreational uses, endangered plant and animal species habitat, and historic sites.
Urbanna Creek/Rosegill Plantation, Middlesex Co.	This area contains large-scale residential cluster development on historic rural property adjacent to creek.
Chincoteague	This area contains shoreline development and wastewater treatment facility discharges in conflict with intense clam aquaculture.

Management Characterization

1. Identify areas of the coast that have or are being addressed by a special area plan since the last Assessment:

- Southern Watersheds of Virginia Beach and Chesapeake

- Dragon Run Watershed (portions of Gloucester, Middlesex, Essex and King & Queen Counties)
- Northampton County

2. Identify any significant changes in the state's SAMP programs since the last Assessment (i.e., new regulations, guidance, Memorandums of Understanding, completed SAMPs, implementation activities, etc.). Provide the following information for each change:

- **Characterize the scope of the change**
- **Describe recent trends**
- **Identify impediments to addressing the change**
- **Identify successes**

Southern Watersheds

Characterize the scope of the change

The Southern Watershed Area Management Program (SWAMP) was designed to protect and enhance the natural resources, sensitive lands and water supplies of the Southern Watersheds of the cities of Virginia Beach and Chesapeake. The Southern Watersheds encompass approximately 325 square miles and include the watersheds of Back Bay, the Northwest River and the North Landing River. The program has progressed through several stages over many years, with the Virginia Coastal Zone Management Program becoming involved in 1992. The program is intended to address coastal management problems in three specific areas: existing threats to water quality, habitat loss and water quality degradation due to development, and use/management conflicts.

Describe recent trends

Development continues to encroach into the Southern Watersheds as the metropolitan Hampton Roads area population continues to increase. Coordination with North Carolina has increased as localities and state agencies involved in Southern Watershed management have become more involved in the Albemarle-Pamlico National Estuary Program (APNEP).

Identify impediments to addressing the change

Public response to the planned Back Bay Water Use Memorandum of Agreement was overwhelmingly negative and this effort had to be redesigned. The negative response appeared to come from misinformation in the community, with many citizens expressing concern that the MOA was a vehicle for the U.S. Fish and Wildlife Service to limit access to Back Bay. Public opposition was due, in part, to Back Bay National Wildlife Refuge expansion plans. Efforts in this area were redirected to focus on education as a means of avoiding use conflicts.

Identify successes

The program has had the following successes during the period of 2001 to 2005:

1. A Technical Advisory Committee has begun implementing the Multiple Benefits Conservation Plan Memorandum of Agreement.
2. Educational materials have been developed as part of the North Landing River Water Use Conflict Memorandum of Agreement.

3. An educational brochure and signs have been developed as part of the Back Bay Water Use Conflict Educational Package.
4. SWAMP research materials have been included in the Chesapeake and Virginia Beach comprehensive plans.
5. An Open Space and Agricultural Preservation Program in Chesapeake has resulted in a purchase of development rights program that included prime agricultural lands and conservation lands identified in SWAMP research.
6. The “Preserve on the Elizabeth,” a conservation subdivision in the Southern Watershed area based on a site plan designed by Randall Arendt as part of SWAMP, was approved and is under construction.

Dragon Run

Characterize the scope of the change

As one of the Chesapeake Bay watershed’s most pristine waterways, the Dragon Run flows forty miles along and through non-tidal and tidal cypress swamp situated in portions of Essex, King and Queen, Middlesex, and Gloucester Counties. The Dragon Run plays a central role in the Middle Peninsula’s culture and identity. Natural resources - forestry and farming - have been the bedrock of the watershed’s economy. These land uses, together with extensive swamps and unique natural resources, are the main reasons that the Dragon Run remains wild and secluded.

The Dragon Run’s unique character evokes strong feelings to protect the pristine watershed in both long-time residents and first-time visitors alike. Opinions differ about how to address the threats of encroaching development and habitat fragmentation. An innate difference in point of view between property rights advocates and conservationists centers on how to maintain a pristine watershed into the future. Yet, substantial common ground exists for proactively preserving the Dragon Run for future generations.

The Dragon Run SAMP’s mission is to support and promote community-based efforts to preserve the cultural, historic, and natural character of the Dragon Run, while preserving property rights and the traditional uses within the watershed. While the Dragon Run landscape is primarily undeveloped, changes in land ownership threaten to fragment productive farm and forest land and natural habitat and disrupt the local natural resource based economy. The SAMP is designed to address both the differences of opinion and the common ground that exist concerning the future of the watershed.

Describe recent trends

The natural resource base of the watershed (primarily agriculture and forestry) has sustained the local economies and protected the natural integrity of the Dragon Run Swamp for hundreds of years. However, economic factors are driving recent changes in land holdings. One multi-national corporation owns nearly 25% of the watershed and is divesting its holdings. In addition, other areas of the four counties are under pressure to develop large tracts of forest and farm land. Fragmentation and conversion of these forests and farms to residential uses is a serious threat to the rural character and environmental integrity of the system. Local governments are struggling to identify and implement the tools necessary to protect vulnerable rural areas. Several local, state, federal and non-governmental entities have recently become active in acquiring land in the watershed for conservation, public access and research. The first piece of publicly owned

property in the watershed was just purchased in 2002. Since that time thousands of additional acres have been acquired. This change in ownership has sparked public debates on public access and private property rights (e.g. how much is too much, who has rights to the water and its edge).

Identify impediments to addressing the change

Though trends in the watershed point to the need for immediate action to proactively put land controls in place to ensure that the cultural, natural, historical and economic character of the watershed remain intact, the citizens and elected officials that have spearheaded this effort are broaching new territory and are doing so sometimes cautiously. One of the few impediments to change is making sure that everyone is well educated on the issues and continues to remain engaged as elements of this plan move through the local government planning process (which can take years). This effort has produced several new planning tools and policies, some of which have been adopted. Assistance with *implementing* these new policies over the next two years will be crucial to the acceptance of the SAMP and its goals.

Identify successes

This proactive planning effort has resulted in many successes:

1. Adoption by the four counties in the watershed of a Memorandum of Agreement that states the goals and objectives of the SAMP
2. Establishment of a citizen-driven stakeholder participation process for developing a comprehensive watershed management plan.
3. Adoption of the Watershed Management Plan as an addendum to the county's Comprehensive Plan by 3 of the 4 counties
4. Development of model zoning and comprehensive plan amendments for each county to consider and to customize to achieve consistency with the principles in the watershed management plan
5. Establishment of an annual Dragon Run Day that celebrates landowner stewardship and the watershed's natural cultural and historic heritage.
6. Administration of an education and outreach program targeted at giving local decision makers and community leaders a hands-on watershed experience
7. Recommendations for management of public and non-governmental organization (NGO) holdings acquired for conservation
8. Presentation of sustainable economic development opportunities to local business, governments and landowners.
9. Establishment of an invasive species initiative made up of a coalition of universities, federal and state agencies, regional government and NGOs.
10. Establishment of baseline information on the status of the natural resources and land use planning policies in the four counties.

Northampton

Characterize the scope of the change

The Northampton County SAMP began in the early 1990s in an effort to protect migratory songbird habitat, public access and water quality. In addition, it sought to foster sustainable economic development in what ranks as one of the poorest counties of Virginia's coastal zone. Although several program changes were accomplished and reported in the April 2001 Assessment & Strategy, several originally identified program changes were not. Most important among those was adoption of a vegetation ordinance that would restrict removal of existing native shrubs and trees in the County in an effort to protect both song bird habitat and water

quality. Unfortunately when the proposed ordinance was brought before the County Board of Supervisors for a vote in the late 1990s, it was defeated. During the 2001 – 2005 period the Coastal Program offered the County a second chance to adopt a vegetation ordinance and three grants were developed. The first two grants (FY 1999 Task 92 and FY 2000 Task 92) were for ordinance development and education efforts and the third (FY 2003 Task 96) was for implementation of the adopted ordinance. Using the FY 99 and 00 grants, the County established a new citizen committee and hired a new planner to guide the development of a revised “Sensitive Natural Resource Area Preservation Overlay District.” Multiple public meetings were held, and a brochure developed that explained the purpose of the overlay district in protecting both groundwater and natural vegetation and wildlife communities. Once again an ordinance was brought before the Board of Supervisors for adoption. Once again, the Board failed to adopt the ordinance. The FY 2000 grant had been conditioned such that failure to adopt the ordinance would result in repossession by the Virginia Coastal Program of the plotter purchased with grant funds and withholding of \$25,000 from the FY 2000 grant. Also, due to the County’s failure to adopt, the FY 2003 grant was never awarded.

Describe recent trends

Some time after the second failure to adopt a vegetation ordinance, a Board of Supervisors election resulted in a very different Board – one that ran and won on a conservation platform. Those who had been vocal against the ordinance were voted out of office. The County continues to struggle with adopting some means of protecting their rural character, their critical wildlife habitat and their water quality.

Identify impediments to addressing the change

The impediments to adopting the change are largely political. Although County residents seem to want their rural character, water quality and wildlife resources protected, they fear restrictions of their private property rights and regulations that they believe may hinder economic development. Further and more intense public information efforts are needed as well as the creation of new policies on which the community can agree.

Identify successes

Perhaps the greatest success of the Northampton SAMP has been the increased recognition the area is receiving for its ecological importance – particularly as a critical stopover habitat for migratory birds. As a result of the research conducted under the SAMP, major conservation organizations such as The Nature Conservancy and the US Fish & Wildlife Service are now investing in major protection efforts. Recently the global headquarters office of TNC approved the allocation of about \$13 million to purchase land on the southern tip of the county. In addition, the national office of the USFWS approved the expansion of the Eastern Shore Refuge’s acquisition boundary to include all those areas identified as critical songbird migratory habitat through the Northampton SAMP. It may also be fair to say that although the County Board of Supervisors still has not adopted a habitat protection ordinance, the makeup of the Board is now far more supportive of such efforts because of the work conducted under the Northampton SAMP.

Conclusion

1. Identify priority needs or major gaps in addressing the programmatic objectives for this enhancement area that could be addressed through a 309 Strategy.

In addition to continued implementation efforts for Dragon Run, several special areas have been identified as potentially appropriate for SAMP processes. The areas highlighted above are each affected by the direct and/or cumulative and secondary impacts of increasing land development around the major population centers. The lessons learned from the Northampton, Dragon Run and Southern Watersheds SAMPs have yielded experience and built awareness that stand to benefit future SAMP processes.

One priority need identified for future activities is increased local and regional support for implementation of existing and future SAMPs. Challenges to implementation are often political and economic, and difficult to address directly through 309 strategies. As new SAMP processes are developed, it is critical that potential roadblocks to implementation be addressed as early on as possible.

One method to address these challenges to implementation is through public outreach and education. For future SAMPs, proactive public awareness events and campaigns are necessary to build understanding and foster citizen involvement to establish a base of support for implementation by local governments.

A second method, drawn from the success of Dragon Run, the challenges in the Back Bay MOU adoption and failure of Northampton overlay ordinance, is to require that citizen-driven public participation be used early, often, and as an integral part of new policy development. Public participation methods may range from stakeholder consensus building advisory committees, to community dialogues, community conversations, focus groups, community workshops and visioning, to name a few. Each SAMP may require a different approach that reflects the specific needs of the local populace and decision-makers. Public participation methods, when properly conducted, can provide an effective way to overcome impediments to policy changes identified in the three existing SAMPs, such as misinformation, lack of information, fear associated with change, lack of coordination, lack of public support, and lack of support by decision-makers. The key is that, if effort is going to be put into developing new policies, strong citizen-driven participation is essential to ensure that the proposed policies reflect broad stakeholder input and will receive support from both the citizens and leadership. Lessons from collaborative efforts throughout the nation indicate that if public involvement is needed at all, it should be initiated early in the process of policy development rather than later. Guidelines for public involvement that could be incorporated into all future SAMP efforts are the “core values” proposed by the International Association for Public Participation (www.IAP2.org).

2. What priority was this area previously and what priority is it now for developing a 309 Strategy and designating 309 funding and why?

<u>1997 Assessment</u>		<u>Last Assessment (2000)</u>		<u>This Assessment (2005)</u>	
High	<u>✓</u>	High	<u>✓</u>	High	<u>✓</u>
Medium	<u> </u>	Medium	<u> </u>	Medium	<u> </u>
Low	<u> </u>	Low	<u> </u>	Low	<u> </u>

The Coastal Policy Team identified Special Area Management Planning as a continuing high priority due to its potential to drive public policy, especially at the local level. SAMPs represent a unique tool in the coastal zone to form partnerships to impact land use planning and increase citizen engagement in coastal issues. This ranking also reflects the continued implementation efforts necessary in Dragon Run.